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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590	06/08/2005			
Oriana Schoneberg 4400 Raymar Drive Orlando, FL 32839			EXAMINER PAIK, SANG YEOP	
			ART UNIT 3742	PAPER NUMBER
DATE MAILED: 06/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/501,000	<b>Applicant(s)</b> SCHONEBERG, ORIANA	
	<b>Examiner</b> Sang Y. Paik	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

1. The claims are objected to because they include numerous reference characters that are directed to different elements and creates confusion with other recited elements.

While the reference numerals or characters in a closed parenthesis can be used in the claims, the pending claims include too many numerous characters for a single recited element that are confusing and that are not associated with each other. For example, the therapeutic apparatus (50) does not include an element (190). It is advised that the reference numerals are taken out of the claims to avoid confusion and misleading of the associated elements of the drawing figures.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hart (US 5,445,349).

Hart shows a therapeutic apparatus having a plurality of therapeutic devices including loose granular materials to provide heating or cooling effects and the therapeutic devices are camouflaged with a bag which holds the therapeutic devices.

With respect to claim 6, Hart shows the claimed loose granular materials and it would have inherently performed as the vaporizer when a vaporizing liquid is applied to the heated

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granular material. It is noted that since the manner of the operating does not differentiate the apparatus claim, claim 6 is included in this rejection. Furthermore, the claim directed to apparatus must be distinguished from the prior art in terms of structure rather than its intended function.

4. Claims 1, 2, 4, 5, 10-12, 14, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunt (US 4,979,502).

Hunt shows a therapeutic apparatus having a camouflaged element such as a clothing element concealing a therapeutic device such as a heating element or a vibrator to provide the therapeutic devices wherein the vibrator would inherently produce the frequency.

5. Claims 1-3 and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Mandish (US 6,315,959).

Mandish shows a therapeutic apparatus such as an air freshener furniture having a therapeutic device camouflaged to produce a therapeutic vapor using heating element wires (55) and a fan.

6. Claims 1, 2, 4, 9-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Arbisi et al (US 5,235,967).

Arbisi shows a therapeutic apparatus having a camouflaged element such as a vest concealing a therapeutic device such as massagers or vibrators having conductive elements which produce electromagnetic fields and heating to provide the therapeutic effects.

7. Claims 1, 8 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Humphreys (US 5,233,768).

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Humphreys show a plurality of therapeutic devices including a plurality of magnets and a plurality of acupressure points on the shoe insole.

8. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Owens (US 5,591,221).

Owens shows a therapeutic apparatus having a camouflaged vaporizer attached to a clothing item to produce the therapeutic vapor.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 7, 13, 19 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt (US 4,979,502) in view of Owens (US 5,591,221).

Hunt shows the therapeutic apparatus claimed including a plurality of therapeutic devices except having the vaporizer for producing a therapeutic vapor and the apparatus being in the shape of an animal.

Owens shows therapeutic apparatus having a vaporizer which contains the therapeutic liquid to produce the therapeutic vapor to a person, and Owen further shows the apparatus can be shaped in animal figures or in the clothing garments.

In view of Owens, it would have been obvious to one of ordinary skill in the art to adapt Hunt with the apparatus with the vaporizer which produces the therapeutic vapor, and also

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provide the apparatus in the shape of animal figures or any other forms which would be easily accessible to people for providing the therapeutic effects.

With respect to claims 26 and 27, Hunt shows that the therapeutic devices can be incorporated in various clothing wears as well as other wearable personal items such as belts, helmets or hand held items. It would also have been obvious to one of ordinary skill in the art to provide the therapeutic devices to the claimed hat or a purse since Hunt and Owens allows one of ordinary skill a variety of clothing items to incorporate such the therapeutic devices to conveniently provide the therapeutic effects including the heating, massaging or/and therapeutic vapors to people.

11. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt (US 4,979,502) in view of Hyatt (US 6,329,644) and Hart (US 5,445,349).

Hunt shows a therapeutic apparatus claimed except the heating means with loose granular materials.

Hyatt shows a therapeutic apparatus with a heat storing materials such as the thermal retention mass to store heat, and Hart shows it is known in the art that loose granular materials such as rice or flax seeds are known to retain heat to provide the therapeutic heat. in view of Hyatt and Hart, it would have been obvious to one of ordinary skill in the art to adapt Hunt with the heating means including the loose granular materials to enhance and prolong the therapeutic heat over an extended time of period to provide a more comfort.

With respect to claim 17, Hart shows the claimed loose granular materials and it would have inherently performed as the vaporizer when a vaporizing liquid is applied to the heated granular material. It is noted that since the manner of the operating does not differentiate the

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apparatus claim, claim 17 is included in this rejection. Furthermore, the claim directed to apparatus must be distinguished from the prior art in terms of structure rather than its intended function.

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt in view of Owens as applied to claims 3, 7, 13, 19 and 26-29 above, and further in view of Mandish (US 6,315,959).

Hunt in view of Owens shows the therapeutic apparatus with a vaporizer, but they do not show the vaporizer with a heating element and a fan.

Mandish shows a vaporizer with a heating element with a fan to facilitate an improved air circulation of the vaporized liquid. In view of Mandish, it would have been obvious to one of ordinary skill in the art to adapt Hunt, as modified by Owens, with the vaporizer with a heating element and a fan to enhance the air circulation of the vaporized liquid and thus further improve the therapeutic effects.

13. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt (US 4,979,502) in view of Humphreys (US 5,233,768).

Hunt shows the apparatus claimed except the therapeutic means including permanent magnets.

Humphreys shows a plurality of permanent magnets along with the pressure points for the therapeutic purposes. In view of Humphreys, it would have been obvious to one of ordinary skill in the art to adapt Hunt with the permanent magnets along with the pressure points as the alternative therapeutic devices to provide the therapeutic effects.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Paik

Sang Y Paik  
Primary Examiner  
Art Unit 3742

syp